

E-FILED IN OFFICE - NS
CLERK OF STATE COURT
GWINNETT COUNTY, GEORGIA
20-C-04165-S6
7/2/2020 4:41 PM

John J. Chumley
CLERK OF STATE COURT

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

ESSENCE BROWN-LEGETTE,

Plaintiff,

vs.

QUIKTRIP CORPORATION,

Defendant.

*
*
* CIVIL ACTION
* FILE NO. 20-C-04165-S6
* [Served with Discovery]
*
*
*

COMPLAINT FOR DAMAGES

COMES NOW, Essence Brown-Legette, the Plaintiff in this action, and files this

Complaint for Damages against Defendant QuikTrip Corporation as follows:

1.

Defendant QuikTrip Corporation is a foreign profit corporation that is registered with the Georgia Secretary of State's office to conduct business in this State and is subject to personal jurisdiction in the Court.

2.

Venue is proper in this Court as the cause of action arose in Gwinnett County and the Defendant maintains an office and transacts business in Gwinnett County.

3.

Defendant may be served with process through its registered agent, C.T. Corporation System, at its registered office located at 289 S. Culver Street, Lawrenceville, Gwinnett County, Georgia 30046.



4.

Defendant (hereinafter "QuikTrip") owns and operates a business for profit that includes a convenience store with a gas station located at 3495 Satellite Boulevard, Duluth, Gwinnett County, Georgia 30096.

5.

On or about September 13, 2018, Plaintiff was on the premises of QuikTrip as a customer. At all times relevant to this complaint, Plaintiff was a business invitee of QuikTrip as that term is defined in Georgia law.

6.

Plaintiff was injured when she slipped and fell on an oily, slippery substance that was not visible to her as she walked in the area of QuikTrip's gasoline pumping station.

7.

QuikTrip, as a landowner or occupier, owed a duty to exercise ordinary and reasonable care to maintain the premises in a safe condition for its invitees, including the Plaintiff.

8.

QuikTrip had actual and/or constructive knowledge of the hazardous area caused by the oily, slippery substance which was superior to the knowledge Plaintiff had of such condition.

9.

QuikTrip breached its duty of care as a landowner/occupier, and this breach was the direct and proximate cause of the Plaintiffs resulting injuries and damages.

10.

At all times relevant to this incident, Plaintiff exercised ordinary and reasonable care but had no knowledge of the aforementioned hazard prior to slipping and falling on the pavement.

11.

As a direct and proximate result of QuikTrip's negligence, Plaintiff suffered serious and permanent bodily injuries.

12.

As a direct and proximate result of her aforementioned injuries, Plaintiff has suffered and will continue to suffer physical pain and mental and emotional anguish.

13.

As a direct and proximate result of her aforementioned injuries, Plaintiff has incurred medical expenses and will continue to incur such expenses in the future, in an amount to be proven at trial.

14.

As a direct and proximate result of her aforementioned injuries, Plaintiff has suffered a loss of capacity to work and loss of income, in an amount to be proven at trial.

PRAYER FOR RELIEF AND DAMAGES

WHEREFORE the Plaintiff prays for the following relief:

- (a) That Summons issue and service be perfected upon Defendant QuikTrip as provided by law;
- (b) That Plaintiff have a trial by jury;

- (c) That Plaintiff be awarded and recover judgment against Defendant QuikTrip for past and future special damages, including medical expenses, and lost wages/income, in the amount proven at trial;
- (d) That Plaintiff have and recover judgment against Defendant QuikTrip for past and future general damages for physical, mental, and emotional pain and suffering in an amount determined, by the enlightened conscience of a fair and impartial jury; and
- (e) For any additional relief as this Court deems just and proper.

Respectfully submitted, this 2nd day of July, 2020.

LAW OFFICE OF SHARON D. SMITH-KNOX, L.L.C.



SHARON D. SMITH-KNOX
Georgia Bar No. 663378
Attorney for Plaintiff

540 Powder Springs Street
Suite C- 15
Marietta, Georgia 30064
Telephone: (770) 795-9933 telephone
Facsimile: (855) 898-6610
srnithknox@yahoo.com

2.

Defendant denies the averments contained in paragraph 2 of Plaintiff's Complaint.

3.

Defendant admits the averments contained in paragraph 3 of Plaintiff's Complaint.

4.

Defendant admits the averments contained in paragraph 4 of Plaintiff's Complaint.

5.

Defendant denies the averments contained in paragraph 5 of Plaintiff's Complaint as alleged.

6.

Defendant denies the averments contained in paragraph 6 of Plaintiff's Complaint.

7.

Defendant denies the averments contained in paragraph 7 of Plaintiff's Complaint as alleged.

8.

Defendant denies the averments contained in paragraph 8 of Plaintiff's Complaint.

9.

Defendant denies the averments contained in paragraph 9 of Plaintiff's Complaint.

10.

Defendant denies the averments contained in paragraph 10 of Plaintiff's Complaint.

11.

Defendant denies the averments contained in paragraph 11 of Plaintiff's Complaint.

12.

Defendant denies the averments contained in paragraph 12 of Plaintiff's Complaint.

13.

Defendant denies the averments contained in paragraph 13 of Plaintiff's Complaint.

14.

Defendant denies the averments contained in paragraph 14 of Plaintiff's Complaint.

FIFTH DEFENSE

Defendant denies each and every averment contained in the paragraph beginning with the word "WHEREFORE" in the Plaintiff's Complaint. Any allegations or averments contained in Plaintiff's Complaint not specifically responded to above are hereby denied.

WHEREFORE, Defendant QUIKTRIP CORPORATION, having fully answered, demands that it be discharged with all costs cast upon the Plaintiff.

Respectfully submitted,

DOWNEY & CLEVELAND, LLP

By: /s/ Sean L. Hynes
SEAN L. HYNES
Georgia State Bar No. 381698
hynes@downeycleveland.com
Attorneys for Defendant

Downey & Cleveland, LLP
288 Washington Avenue
Marietta, GA 30060-1979
T: 770-422-3233
F: 770-423-4199

CERTIFICATE OF SERVICE

This is to certify that I have this day served the following counsel of record with a true and correct copy of the foregoing pleading via electronic service and/or by depositing said copy in the United States Mail, with sufficient postage affixed thereon, and properly addressed to the following:

Sharon D. Smith-Knox, Esq.
Law Office of Sharon D. Smith-Knox, L.L.C.
540 Powder Springs Street, Ste. C-15
Marietta, Ga 30064

This 6th day of August, 2020.

DOWNEY & CLEVELAND, LLP

By: /s/ Sean L. Hynes
SEAN L. HYNES
Georgia State Bar No. 381698

IN THE STATE COURT OF GWINNETT COUNTY

Michael J. Alumbaugh
CLERK OF STATE COURT

STATE OF GEORGIA

| | | |
|------------------------|---|------------------------|
| ESSENCE BROWN-LEGETTE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CIVIL ACTION |
| v. |) | |
| |) | FILE NO. 20-C-04165-S6 |
| QUIKTRIP CORPORATION, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

DEMAND FOR TWELVE-MEMBER JURY TRIAL

COMES NOW, Defendant QUIKTRIP CORPORATION, appearing specially without submitting to the jurisdiction and venue of this Court, and demands a trial by a twelve-member jury in the above styled action.

Respectfully submitted,

DOWNEY & CLEVELAND, LLP

By: /s/ Sean L. Hynes
SEAN L. HYNES
Georgia State Bar No. 381698
hynes@downeycleveland.com
Attorneys for Defendant

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By: /s/ Sean L. Hynes
SEAN L. HYNES
Georgia State Bar No. 381698

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8/6/2020 4:29 PM

Robert J. Alumbaugh
CLERK OF STATE COURT

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STATE OF GEORGIA

ESSENCE BROWN-LEGETTE,

Plaintiff,

V.

QUIKTRIP CORPORATION,

Defendant.

CIVIL ACTION

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RULE 5.2 CERTIFICATE OF SERVICE OF DISCOVERY

Pursuant to Uniform State Court Rule 5.2, the undersigned hereby certifies that on the date shown, Defendant QUIKTRIP CORPORATION, appearing specially and without submitting to the jurisdiction and venue of this Court, served copies of the following pleadings:

1. Defendant's First Continuing Interrogatories to Plaintiff;
2. Defendant's First Request for Production of Documents to Plaintiff; and
3. Defendant's First Request for Admissions to Plaintiff.

by depositing same in the United States Mail, properly addressed and with sufficient postage affixed thereon, to the following counsel of record:

Sharon D. Smith-Knox, Esq.
Law Office of Sharon D. Smith-Knox, L.L.C.
540 Powder Springs Street, Ste. C-15
Marietta, Ga 30064

This 6th day of August, 2020.

Respectfully submitted,

DOWNEY & CLEVELAND, LLP

By: /s/ Sean L. Hynes
SEAN L. HYNES
Georgia State Bar No. 381698
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Attorneys for Defendant

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This 6th day of August, 2020.

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